

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**RUEBEN OLVEDA, et al.**

**Plaintiff,**

**v.**

**Civ. Case No. 20-29 KRS/JHR**

**CIBOLA COUNTY BOARD OF  
COMMISSIONERS,  
SHERIFF TONY MACE and UNDERSHERIFF  
MICHAEL MUNK,**

**Defendants.**

**ORDER APPROVING SETTLEMENT INVOLVING MINOR CHILDREN**

THIS MATTER comes before the Court on the parties' Joint Motion to Approve Settlement Involving Minor Children and Discharge Guardian Ad Litem, filed on February 16, 2021. (Doc. 77). The Court appointed a guardian ad litem ("GAL") for the minor children, (Doc. 70), and thoroughly reviewed the GAL's report, (Doc. 76). The Court conducted a fairness hearing on February 22, 2021.

At the hearing on February 22, 2021, conducted by telephone, Adam C. Flores appeared on behalf of the Plaintiffs. Joleen Romero appeared by telephone on behalf of her minor child, A.R. Michael Escamilla appeared by telephone on behalf of his minor children, I.C. and A.C. Rueben Olveda appeared by telephone on behalf of his minor child, M.O. Jonlyn Martinez appeared on behalf of the Defendants Cibola County Board Of Commissioners, Sheriff Tony Mace and Undersheriff Michael Munk. Holly Harvey appeared as the court-appointed GAL for the minor children. The Court received testimony from the GAL, Joleen Romero, Michael Escamilla, and Rueben Olveda. After considering the evidence and arguments presented at the hearing and the parties Motion, the GAL report, and the basic terms of the proposed settlement,

the Court finds that the proposed settlement satisfies the four factors set forth in *Jones v. Nuclear Pharmacy, Inc.*, 741 F.2d 322, 324 (10th Cir. 1984), which the court considers when deciding whether to approve a settlement. These factors are: “(1) whether the proposed settlement was fairly and honestly negotiated; (2) whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt; (3) whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation; . . . (4) the judgment of the parties that the settlement is fair and reasonable.” *Id.* The Court also finds that the settlement is in the best interests of the minor children. *Garrick v. Weaver*, 888 F.2d 687, 693 (10th Cir. 1989).

THE COURT HEREBY FINDS that the settlement of the claims involving the minor children in this matter has been voluntarily agreed to and is fair and reasonable under the circumstances.

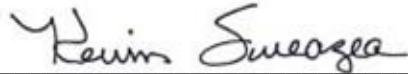
IT IS THEREFORE ORDERED that the settlement of the minor Plaintiffs’ claims against Defendants Cibola County Board Of Commissioners, Sheriff Tony Mace and Undersheriff Michael Munk, are hereby approved by the Court and shall be and forever are binding upon the parties.

IT IS FURTHER ORDERED that counsel for the Plaintiffs, Adam C. Flores, has the authority to open a restricted custodial savings accounts for the benefit of I.C. and A.C. No withdrawals shall be made from either child’s account prior to the child reaching the age of eighteen.

IT IS FURTHER ORDERED that the Guardian ad Litem has completed her duties and she is hereby discharged from any further duties or acts in this matter. The parties will split the cost of the Guardian ad Litem fifty-fifty.

IT IS FURTHER ORDERED that the parties shall complete and submit to the Court the remainder of the closing documents in this matter by March 24, 2021.

IT IS SO ORDERED.

  
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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE

Approved and agreed to:

KENNEDY, KENNEDY AND IVES

Approved via electronic mail February 22, 2021

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Approved:

Approved via electronic mail February 22, 2021

HOLLY R. HARVEY  
Guardian Ad Litem